

BILL NO 59 - 2010

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES
CHAPTER 1 ADMINISTRATION, PART 5 BOARDS DEPARTMENTS
COMMISSIONS COMMITTEES AND COUNCILS, SECTION I CHARTER BOARD
BY ADDING THE REMOVAL PROCESS FOR MEMBERS OF THE CHARTER BOARD
AND RENUMBERING AS NECESSARY

NOW, THEREFORE, THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS
AS FOLLOWS:

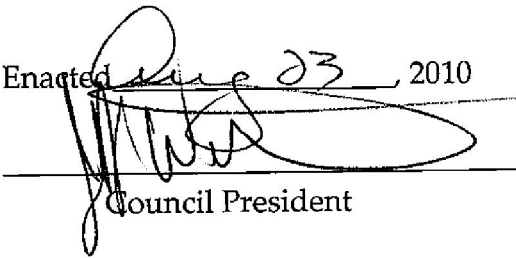
SECTION 1. Amending the City of Reading Codified Ordinances Chapter 1
Administration, Part 5 Boards, Departments, Commissions Committees and Councils,
Section I Charter Board by adding the removal process for members of the Charter Board
as follows:

D. Removal of Members - Any member may be removed for misconduct
or neglect of duty or for other just cause by a majority vote of Council taken
after the member has received fifteen days advance notice of the intent to
take such vote. Failure of a member to attend three (3) consecutive regular
meetings of the Board will constitute grounds for immediate removal from
the Board by City Council. Failure of a member to attend at least 50% of
the regular meetings of the Board in a calendar year will constitute grounds
for immediate removal from the Board by City Council. The Chairperson
of the Board shall inform the City Clerk in writing when a member has
failed to comply with this attendance policy. Following such notification,
City Council may vote to remove the member and seek applicants to fill the
vacant position.

SECTION 2. All other parts of the Ordinance remain unchanged.

SECTION 3. This Ordinance shall be effective in ten (10) days, in accordance with Charter
Section 219.

Enacted June 23, 2010



Council President

Attest:



City Clerk

I, LINDA A. KELLEHER, City Clerk of the City
of Reading, Pa., do hereby certify, that the fore-
going is a true and correct copy of the original
..... passed by the Council of the City of
Reading, on the 23 day of June
A. D. 2010. Witness my hand and seal of the
said City this 26 day of June, A. D. 2010.




CITY CLERK

Submitted to Mayor: 

Date: 8/24/10

Received by the Mayor's Office: 

Date: 8/24/10

Approved by Mayor: 

Date: 8/25/10

Vetoed by Mayor: _____

Date: _____

L. Charter Board.

§1-599.21. General Provisions.

1. **Title.** The Title of this Part shall be the City of Reading Charter Board Ordinance.
2. **Purpose of Ordinance.** The purpose of the City of Reading Charter Board Ordinance is to provide, through the institution of the City of Reading Charter Board ("Board"), for the implementation of Amendment I of the Reading City Charter, which is entitled "Enforcement of Charter."
(Ord. 46-2005, 7/25/2005, §1)

§1-599.22. Organization of Charter Board.

1. Composition and Structure of Board.

A. Composition. The Board established under Amendment 1 of the City of Reading Home Rule Charter ("Charter") shall be composed of five residents of the City of Reading. Board members shall be appointed by the Mayor with the consent of City Council.

B. Terms of Service. Members of the Board shall serve for terms of 5 years, except that the members shall continue to serve until their successors are appointed and qualified. The terms of the initial members shall be staggered, with members serving terms of 1, 2, 3, 4, and 5 years respectively.

C. Vacancy. An individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed for the unexpired term of the member he/she succeeds and is eligible for appointment thereafter according to the terms herein.

D. Removal of Members - Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received fifteen days advance notice of the intent to take such vote. Failure of a member to attend three (3) consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position.

D. Election of Chairperson and Vice-Chairperson. The Board shall elect a chairperson and vice-chairperson upon seating of the members and thereafter annually at a meeting held in July of each year. The vice-chairperson shall act as the chairperson in the absence of the chairperson or in the event of a vacancy in that position.

E. **Quorum.** A majority of the members of the Board shall constitute a quorum and the votes of a majority of the members present are required for any action or recommendation of the Board.

F. **Staff.** The Board shall appoint a Solicitor, a secretary, and such other staff as may be deemed necessary. The Solicitor, secretary, and such other staff as may be necessarily appointed shall not be members of the Board.

G. **Meetings.** The Board shall meet at the call of the chairperson or at the call of a majority of its members.

H. Investigative Officer.

(1) The Board shall appoint an investigative officer ("Investigative Officer") who shall serve at the pleasure of the Board. The Investigative Officer is charged with determining jurisdiction, conducting preliminary and full investigations, issuing written findings reports, prosecuting complaints before evidentiary hearings, and performing such other duties as set forth herein.

The Investigative Officer shall conduct his/her work independently and without comment or inquiry from the Board, except as provided in paragraph (4) below.

(2) The Investigative Officer shall be a member in good standing of the Pennsylvania Bar Association and shall have so been for at least 5 years. The Investigative Officer need not be a resident of the City of Reading and shall not be a Board member. The Investigative Officer is authorized to retain the services of an investigator and other professional staff and/or consultants, and shall only delegate non-discretionary functions.

(3) The Investigative Officer shall not be the current or former Solicitor to the Board and the Investigative Officer shall not serve in the future as Solicitor to the Board on any matter investigated or prosecuted by the Investigative Officer. Furthermore, the Investigative Officer shall not seek the advice of the Solicitor to the Board, and the Solicitor to the Board shall not seek the advice of the Investigative Officer, on substantive aspects of any complaint or referral before the Board.

(4) In addition to all other responsibilities of the Investigative Officer he/she shall provide to the Board every six months a summary of each complaint received, its procedural status, and if it has been dismissed, the reasons for its dismissal. Said summary shall not contain any identifying information of any person involved as a witness, complainant or subject of the complaint.

2. **Prohibitions.** Due to the nature of their appointment, Board members have a duty to avoid any known conflicts of interest, especially actions or behaviors in violation of the City Charter or its full and impartial enforcement. The prohibitions in this Section are in addition to all other duties, responsibilities, and obligations imposed upon Board members.

- A. No member may hold or campaign for any other public office.
- B. No member may hold office in any political party or political organization or political committee.
- C. No member may hold a position of employment with City government or appointment to any other board, authority, or commission formed by the City of Reading.
- D. No member may actively participate in or contribute to any political campaign in the City of Reading for a candidate running for the office of Mayor, President of Council, Council Member, or Auditor. This does not abridge the right of a member to vote or attend a debate, speech or similar event that is held primarily for the purpose of communicating a candidate's platform or position on issues of public concern.
- E. No member shall receive compensation but shall be reimbursed by the City for documented expenses actually incurred.

3. Mandate to Fund. City Council shall appropriate sufficient funds for the Board to perform its enforcement, advisory, and educational duties, including expenses for independent counsel, investigative personnel, investigations, hearings, appeals, staff, any other necessary personnel, and professional educational programming.
(Ord. 46-2005, 7/25/2005, §II)

§1-599.23. Powers and Duties of Charter Board.

1. Charter Enforcement Powers. The Board shall have the following powers and duties with respect to Charter enforcement. It shall:

- A. Hear and decide all complaints alleging violations of the Charter and Administrative Code, except that its jurisdiction shall not extend to cases arising under the Ethics Code or the Personnel Code of the City of Reading.
- B. Impose penalties and administrative fines and refer matters to law enforcement, regulatory, or other authorities with jurisdiction over these matters.
- C. Initiate preliminary investigations on its own motion, through the Investigative Officer.
- D. Appoint an Investigative Officer to conduct investigations and to issue Findings Reports where appropriate.
- E. Hold hearings, issue subpoenas and compel the attendance of witnesses, administer oaths, take testimony, require evidence on any matter under investigation before the Board, and issue orders, including but not limited to adjudications and penalties.
- F. Adopt rules and regulations to administer, implement, enforce and interpret the Board Ordinance.

G. Have all other powers necessary and appropriate to effectuate the purposes set forth herein and in Amendment I of the Charter.

2. Charter Advisory Powers. The Board shall have the power to issue advisory opinions on matters concerning the interpretation of the Charter and Administrative Code. The enumeration of this power shall in no way diminish any of the foregoing enforcement powers of the Board.

3. Charter Educational Powers. The Board shall have the following powers and duties with respect to Charter education. It shall:

A. Direct and administer, with professional assistance, the required orientation of all newly elected City officials at the commencement of their initial full term of office.

B. Be responsible, proactively and on an ongoing basis, for educating the public and members of City government as to their rights, duties, and obligations under the Charter and Administrative Code.

(Ord. 46-2005, 7/25/2005, §III)

§1-599.24. Standards for Interpretation of Reading City Charter and Administrative Code.

1. Standards for Charter Interpretation: Intent Controls.

A. The object of all interpretation and construction of Charter provisions is to ascertain and effectuate the intent of the authors of the Charter.

B. When the words of a Charter provision are clear and free from ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit.

C. When the words of a Charter provision are not explicit, the intent of the authors of the Charter shall be ascertained by considering:

- (1) The mischief to be remedied.
- (2) The object to be attained.
- (3) The circumstances under which it was enacted.
- (4) The contemporaneous legislative history.

2. Standards for Administrative Code Interpretation: Intent Controls.

A. The object of all interpretation and construction of Administrative Code provisions is to ascertain and effectuate the intent of the enacting City Council.

B. When the words of an Administrative Code provision are clear and free from ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit.

C. When the words of an Administrative Code provision are not explicit, the intent of the enacting City Council shall be ascertained by considering:

- (1) The mischief to be remedied.

- (2) The object to be attained.
- (3) The circumstances under which it was enacted.
- (4) The contemporaneous legislative history.

3. Refinements of Interpretative Standards. The standards set forth in subsections .1 and .2 above may be refined only in accordance with the Statutory Construction Act, 1 Pa. C.S.A. §1501 *et seq.*, which is binding for the interpretation of all home rule charters through *Cottone v. Kulis*, 460 A.2d 880 (Pa. Commonwealth, 1983), and for the interpretation of all municipal ordinances through *Ciavarella et ux. Appeal*, 484 A.2d 420 (Pa. Commonwealth, 1984).

(Ord. 46-2005, 7/25/2005, §IV)

§1-599.25. Enforcement.

1. Procedure.

A. Standing. Any taxpayer, or aggrieved person, may file a complaint about alleged violations of the Charter or Administrative Code. The person signing a complaint shall:

- (1) Reasonably believe in the existence of facts upon which the claim is based.
- (2) Reasonably believe that the complaint may be valid under the Charter or Administrative Code.

In addition, the Board may initiate preliminary investigations on its own motion, through the Investigative Officer.

B. Filing of Complaint.

(1) Complaints must be submitted on forms provided by the Board. The Board shall make available this form upon request. The complaint shall state the name, job or office held by the alleged violator and a description of the facts that are alleged to constitute a violation. It must contain a notarized signature subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities. The Board shall establish a separate post office box through which to receive complaints. This post office box shall be generally accessible by the Investigative Officer and/or the secretary, provided that the secretary is not a Board member.

(2) No member of the Board shall review any complaint until after an evidentiary hearing has been requested by the subject of the investigation, or if no evidentiary hearing is requested, then until the submission to the Board of the Investigative Officer's Findings Report.

(3) The complainant may withdraw his or her complaint at any time after its submission, and no further action will be taken with regard to the complaint. Such withdrawal shall be in writing and contain a notarized signature. If a preliminary investigation has already been initiated, the subject of the investigation shall immediately be notified of the withdrawal. The individual's withdrawal of a complaint does not preclude further action by the Board on its own motion.

C. Determination of Jurisdiction.

(1) Each complaint filed with the Board shall immediately be directed to and preliminarily reviewed by the Investigative Officer appointed by the Board to determine whether the complaint falls within the jurisdiction of the Board. The aforesaid determination shall be made within 7 days of the filing of the complaint. If the Investigative Officer determines that the Board does not have jurisdiction over the matter underlying the complaint, the complainant will be notified and no further action will be taken with regard to the complaint. If, however the Officer determines that the complaint falls within the jurisdiction of the Board, the Officer shall authorize a preliminary investigation.

(2) Upon a determination that the complaint falls within the jurisdiction of the Board, the Officer shall attempt an informal resolution of the issue within 30 days of the receipt of the complaint. Informal resolution shall consist solely of written notice to the complainant and the subject of the complaint encouraging them to resolve the issue outside the formal investigative and adjudicative process of the Board.

(3) Concurrent with the attempt at informal resolution, the Investigative Officer shall inform both the complainant and the subject of the complaint of their rights and responsibilities under the formal adjudicative process.

D. Preliminary Investigation.

(1) The preliminary investigation shall be initiated and conducted at the sole discretion of the Officer. If the Officer, in his/her discretion, finds that the alleged violation, would, if proved, constitute a "de minimis" infraction, he/she may decline to initiate a preliminary investigation and dismiss the complaint. A de minimis infraction is one that is so insignificant or trifling that enforcement serves merely to exhaust the Board's time and resources. See *Bailey v. Zoning Board of Adjustments*, 801 A. 2d 492 (Pa., 2002). Furthermore, if the Officer, in his/her discretion, finds that the Board in the instant case cannot provide an adequate or timely remedy, he/she may decline to initiate a preliminary investigation, dismiss the complaint, and advise the complainant of alternative remedies.

(2) At the onset of the preliminary investigation, the Officer shall notify both the complainant and the subject of the investigation of the filing of the complaint, the nature of the same and the initiation of a preliminary investigation.

(3) The preliminary investigation shall be completed within 30 days of the Officer's finding of jurisdiction.

(4) If, at any time during the preliminary investigation, an extension is necessary and justified, the Officer may request of the Board one 15-day extension, which shall be granted as of course. The Officer shall notify both the complainant and the subject of the investigation of such extension.

(5) At the conclusion of the preliminary investigation, the Officer shall determine whether there may exist facts to support the complaint. If the inquiry fails to establish such facts, the Officer shall dismiss the complaint and notify both the complainant and the subject of the complaint of the dismissal. If, however, at the conclusion of the preliminary investigation the Officer determines that there may exist facts to support the complaint, the Officer shall authorize a full investigation.

E. Full Investigation. If preliminary investigation uncovers facts to support the complaint, the Officer shall authorize a full investigation. The complainant and the subject of the investigation shall be notified within 3 days of the initiation of a full investigation and the subject shall be notified of the identity of the complainant. Until the investigation is concluded or terminated, the Officer will notify both the complainant and the subject of the investigation of the status of the investigation at least every 45 days. Within 90 days of the initiation of the full investigation, the Officer must either terminate the investigation or issue a Findings Report ("Findings Report").

F. Findings Report.

(1) The Findings Report shall set forth the pertinent findings of fact as determined by the Officer. The Officer shall deliver the findings of fact to the complainant and the subject of the investigation.

(2) Within 20 days of the issuance of the Report, the subject of the investigation may make a request in writing to the Officer for an evidentiary hearing, and such request shall be granted as of right. When the Officer receives such a request, the Officer shall immediately notify the Board of the request for a hearing, and the names of the parties involved. The Investigative Officer shall then prepare facts in support of the complaint and present them at the evidentiary hearing.

(3) If the subject of the investigation does not request an evidentiary hearing within 20 days of the issuance of the Findings Report, the Officer shall immediately notify the Board of the names of the parties involved and shall deliver to the Board the Findings Report.

G. Evidentiary Hearing.

(1) **Timing.** An evidentiary hearing must be held within 45 days of the filing of a request for same.

(2) **Procedure.**

(a) The subject of the investigation shall have reasonable access to any evidence intended to be used at the hearing. The subject of the investigation shall have the opportunity to be represented by counsel and to subpoena witnesses, present evidence, cross examine witnesses against him/her, submit argument, and shall be entitled to exercise all rights afforded him/her by the United States Constitution and the Pennsylvania Constitution which apply to this type of hearing.

(b) The formal rules of evidence will not apply to hearings; however, they may be used as a guide for determining the evidence admitted at the hearing.

(c) Testimony shall be given under oath or affirmation, and witnesses shall be subject to cross-examination.

(d) A stenographic record shall be taken of all evidentiary hearings.

(e) The Investigative Officer will present his/her case followed by the case of the subject of the complaint. Each party may make an opening and closing statement, unless otherwise directed by the Board.

(f) Subpoenas may be issued at the request of the parties to the hearing on the approval of the Board. Information subpoenaed shall be relevant and not privileged.

(g) The Board shall possess and be afforded all other powers, rights, privileges, and immunities, afforded to quasi-judicial bodies in the Commonwealth of Pennsylvania.

(3) **Closed Hearing.** The hearing shall be closed to the public unless the subject requests an open hearing, in writing, to the Board at least 5 days before the hearing.

(4) **Solicitor.** The Board shall be represented by its Solicitor. The Solicitor shall assist the Board in carrying out its functions during the evidentiary hearing, may examine witnesses, documents and things to the same extent as the Board, may make evidentiary rulings and advise the Board concerning same, assist in the preparation and review of the Final Order, and otherwise advise and counsel the Board as necessary.

H. Decision by the Board: Final Order.

(1) **Following Evidentiary Hearing.** At the conclusion of the evidentiary hearing, and in a timely manner, the Board shall deliberate on the evidence to determine whether the subject of the complaint violated the Charter or the Administrative Code. The Board's decision shall be by a majority vote of those members present.

(2) **Where no Evidentiary Hearing is requested.** If the subject of the complaint does not request an evidentiary hearing, the Board shall decide by a majority vote of those members present whether the Findings Report supports a determination that the subject of the complaint violated the Charter or Administrative Code.

(3) **Final Order.** The Final Order of the Board shall contain findings of fact and conclusions of law in accordance with the Local Agency Law, 2 Pa.C.S.A. §§551-555. A copy of said order shall be delivered immediately to both the complainant and the subject of the complaint by certified United States mail, return receipt requested.

The Board shall render its decision and issue a Final Order:

(a) Within 30 days of the conclusion of the evidentiary hearing.

(b) In the instance where no evidentiary hearing is requested, within 60 days of the issuance of the Findings Report.

I. Right to Appeal.

(1) Any person aggrieved by an adjudication of the Board who has a direct interest in such adjudication shall have the right to appeal therefrom to the court vested with jurisdiction of such appeals pursuant to Title 42 (relating to judiciary and judicial procedure). All such appeals shall be conducted in accordance with the Local Agency Law, 2 Pa.C.S.A. §§751-754.

(2) In the instance of an appeal from an adjudication of the Board, representation of the Board shall be by its Solicitor.

J. Protection of Complainant. No person may be penalized, nor any employee of the City be discharged, suffer change in his/her official rank, grade, or compensation, denied a promotion, or threatened, for a good faith filing of a complaint with the Board, or for providing information or testifying in any Board proceeding.

K. Costs of Charter Enforcement. Any person who prevails in any legal action against the City, its officers or agents to enforce this Charter or the Administrative Code pursuant to it, shall be entitled to recover all reasonable attorney's fees and costs incurred in such action.

2. Violations and Penalties.

A. Violations. The violation of any Section of the Charter or Administrative Code, in whole or in part, shall constitute a violation under the jurisdiction of the Board, except that the Board's jurisdiction shall not extend to cases arising under either the Ethics Code or the Personnel Code.

B. Penalties; Other Remedies.

(1) Penalties.

(a) Factors to be considered. Before the imposition of any penalty (as opposed to restitution or other remedy) the Board shall consider the following factors and address the relevant factors in its Final Order:

1) The seriousness of the offense.

2) The substantive effect the offense has on the application of the Charter and its purposes.

3) Whether the subject of the complaint has had previous decisions entered against him/her by the Board.

4) The number of violations involved.

5) Whether the violations were the result of willful or intentional conduct, recklessness, negligence, oversight or mistake.

6) The consequences of the violation.

7) Any other factors relevant in determining the type and severity of the penalty to be imposed.

(b) **Penalties.** Upon the finding of any violation, the following penalties shall be available to the Board for imposition, in addition to and notwithstanding restitution and other remedies listed in subsection 2) below:

1) Admonition, in compliance with existing personnel practices, collective bargaining agreements and/or statutes, a letter to the respondent, the Mayor, the Managing Director, and Director of the Department in which the respondent is employed, if any, and the complainant, if any, indicating that the respondent has been found to have violated the Charter or Administrative Code.

2) Public Censure, in compliance with existing personnel practices, collective bargaining agreements and/or statutes, notification to the respondent, the Mayor, the Managing Director, the Director of the Department in which the respondent is employed, if any, and the complainant, if any, and the news media indicating that a violation of the Charter or Administrative Code took place and that the Board strongly disapproves of the public official's or public employee's actions.

3) Suspension, without compensation for a stated period of time not to exceed 30 days, in compliance with existing personnel practices, collective bargaining agreements and/or statutes, with notification to the respondent, the Mayor, the Managing Director, the Director of the Department in which the respondent is employed, if any, and the complainant, if any.

4) Termination, in compliance with existing personnel practices, collective bargaining agreements and/or statutes, with notification to the respondent, the Mayor, the Managing Director, the Director of the Department in which the respondent is employed, if any, and the complainant, if any.

5) Referral to the appropriate authorities for criminal prosecution in cases where a violation of the Charter or Administrative Code is also a violation of Federal or State law.

6) Imposition of a fine, not to exceed \$1,000 per violation.

7) Imposition of an administrative fine of not more than \$1,000 to defray the actual cost and expense of investigating any violation.

(2) **Other remedies.** Upon the finding of any violation, the Board may take one or more of the following actions, in addition to and notwithstanding the penalties listed in subsection .2.b(1)(b) above:

(a) Order the subject to make restitution to those incurring damage or injury as a direct result of the actions of the subject that have been adjudicated as a violation of the Administrative Code or Charter.

(b) Order the subject to cease and desist from engaging in a particular activity that is in violation of the Administrative Code or Charter.

(c) Order the subject to take specified action to bring him/her into compliance with Board directives.

(d) Refer the matter for review or with specific recommendation for action to law enforcement, regulatory or other authorities with jurisdiction over these matters.

(e) Institute appropriate civil or equitable action to enforce the order and decision of the Board.

(f) Recommend to City Council the forfeiture of the office held by the subject with the City in accordance with Charter §§206, 305, and 504.

3. Board Information.

A. Confidentiality of Board Information. All Board proceedings and records relating to an investigation shall be confidential until a final determination is made by the Board. The final order shall become a public record once the subject has exhausted all appeal rights or has failed to timely exercise such rights. All other records and proceedings shall remain confidential except:

(1) As necessary to effect due process.

(2) For the purpose of seeking advice of legal counsel.

(3) For the purpose of filing an appeal from a final order.

(4) For hearings conducted in public according to subsection .1.G.

(5) For communicating with the Board or its staff, in the course of an investigation or hearing or before a final determination is made by the Board.

(6) For consulting with law enforcement officials for the purpose of initiating, participating in, or responding to an investigation, or hearing.

(7) For testifying under oath before a governmental body.

(8) For information relating to a complaint, investigation, or hearing which is disclosed by the subject of such complaint, investigation, or hearing.

(9) For the divulgence by individuals who are interviewees to confidential Board proceedings as to information that was already in their possession or as to their own statements.

(10) For the publication or broadcast of information legally obtained by the news media regarding a confidential Board proceeding.

B. Board Records.

(1) All Final Orders of the Board shall be kept on public file at the Office of the City Clerk. The City Clerk shall also file copies of all Final Orders of the Board with the Law Library of Berks County Court of Common Pleas.

(2) All confidential records and proceedings of the Board shall be kept on closed file at the Office of the City Clerk.

4. Wrongful Use of Charter Board.

A. Complaints directed to the Board must be based on fact and a reasonable belief of a Charter violation. Wrongful use of the Board is prohibited and any person engaged in such conduct may be subject to penalties as set forth in subsection .2.

B. Wrongful use of the Board is defined as either:

(1) Filing an unfounded, frivolous or false complaint. A complaint is unfounded, frivolous or false if it is filed in a grossly negligent manner without basis in law or fact and was made for a purpose other than reporting a violation of the Charter or Administrative code. A person has not filed a frivolous complaint if he/she reasonably believes that facts exist to support the claim, and either reasonably believes that under those facts the complaint is valid or acts upon the advice of counsel sought in good faith and given after full disclosure of all relevant facts within his/her knowledge and information.

(2) Publicly disclosing or causing to be disclosed information regarding the status of proceedings before the Board and facts underlying a complaint before the Board, in violation of subsection .3 above.

(Ord. 46-2005, 7/25/2005, §V)

§1-599.26. Advisory Opinions.

Upon written request of any public official or City employee, or without such request should a majority of the Board deem it in the public interest, the Board may render advisory opinions concerning matters of home rule or enforcement of the City Charter. All advisory opinions shall be issued in writing and may include any redactions necessary to prevent disclosure of the identity of the person who is a subject of the opinion. An advisory opinion may be used as a defense in any subsequent investigation or prosecution, provided that the official or employee who sought the opinion did so in good faith and only to the extent material facts were not misrepresented in the request for the opinion. Advisory opinions shall be issued as expeditiously as possible, and in no case later than 30 days following the receipt of the written request.
(Ord. 46-2005, 7/25/2005, §VI)

§1-599.27. Educational Duties of the Charter Board.

1. Overview.

The educational duties of the Board are two-fold:

- A. It shall direct and administer, with professional assistance, the required orientation of all elected City officials at the commencement of their terms.
- B. It shall, proactively and on an ongoing basis, educate the public and members of City government as to their rights, duties and obligations under the City Charter and Administrative Code.

2. Orientation of Elected City Officials.

A. A basic orientation course shall provide comprehensive information on Home Rule Law, the City Charter, the City Administrative Code, and the City Ethics Code. Other topics to be included in the course are: the impact of the Pennsylvania Constitution and other pertinent legal statutes on City government; a review of the City budget, including all City employees' labor agreements; and Roberts Rules of Order. This course shall be directed and administered by the Board, with assistance from the Pennsylvania Department of Community and Economic Development, the State and County Bar Associations, the Ethics Board, and any other resources the Board deems appropriate.

B. Any elected official who, in the determination of the Board, completes this course within four months of their initial full term will receive a bonus of \$250.

C. City Council shall provide sufficient funds to ensure a thorough and professional orientation.

3. Educating the Public and Members of City Government.

A. Educating the public and members of City government about their rights, duties and obligations promotes involvement and participation for more effective and efficient government. The Board, with the assistance of resources deemed appropriate by the Board, shall conduct these educational programs in various formats. Educational

information can be disseminated in a variety of formats - public meetings, printed materials such as inserts in tax and water bills; handbooks; web site; community newsletter; interactive local television programming.

B. Funds shall be made available to the Board for the ongoing educational program of the public and members of City government.
(Ord. 46-2005, 7/25/2005, §VII)